IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.1123 OF 2006

Vitthal Vasant Sanap. ..Applicant.
Vs.
The State of Maharashtra. ..Respondent.

Mr.S.K.Shinde for the Applicant.
Mr.A.S.Gadkari, APP. for the State.

CORAM: B.H.MARLAPALLE &
R.S. MOHITE, JJ.
DATE : 1st March, 2007

P.C.

1. We have heard Mr. Shinde, the learned counsel for the applicant/accused-husband of the deceased.

2. This is an application for bail during the pendency of Criminal Appeal No.1028/2006 which has been filed against the order of conviction and sentence passed by the learned Adhoc Additional Sessions Judge at Niphad on 10.10.2006, in which, alongwith the applicant-accused, his parents have also been convicted and sentenced for an offence punishable under Section-498A read with Section 34 of the Indian Penal Code, whereas, the applicant has been convicted and sentenced for the offences punishable under Section-302 and 498A read with 34 of the Indian Penal Code. The accused Nos. 2 and 3 i.e. parents of the applicant have already been released on bail.

3. We have perused the reasoning set out by the learned Adhoc Additional Sessions Judge in support of his findings, holding the applicant-accused guilty of committing murder of his wife on the suspicion that she was pregnant from some one else. We do not find any case made out by the applicant for release on bail by suspending the order of sentence under Section 389 of the Code of Criminal Procedure.

3. Hence, the application is rejected.

4. Hearing of the appeal is expedited.

5. The applicant is at liberty to submit the private paper book.

(R.S. MOHITE, J.) **(B.H. MARLAPALLE, J.)**